

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA**

v.

**MARCUS HUTCHINS**

**ARRAIGNMENT AND PLEA ON A  
SUPERSEDING INDICTMENT  
MINUTES**

**CASE NUMBER 17-CR-124**

HONORABLE **NANCY JOSEPH**, presiding  
Deputy Clerk: Becky Ray  
Hearing Held: **June 14, 2018 at 1:30 PM**

Court Reporter: FTR Gold  
Hearing Began: 1:32:13 PM  
Hearing Ended: 1:50:25 PM

**Appearances:**

UNITED STATES OF AMERICA by: **Michael Chmelar**

**Marcus Hutchins**, via telephone, and by: **Daniel Stiller (in person)**

**Brian Klein, Marcia Hofmann (via telephone)**    ☒ RET

INTERPRETER: ☒ None    ☐ Sworn

☐ Original Indictment    ☒ Superseding Indictment    ☐ Information    ☐ Misdemeanor    ☒ Felony

Speedy Trial Date:

Plea Deadline:

Final Pretrial Report

Final Pretrial Conf.:

Jury Trial Date:

Trial Length Estimate: \_\_\_\_\_

District Judge: J.P. Stadtmueller

Magistrate Judge: Nancy Joseph

Motions Due:

Responses Due:

Replies Due:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Defendant advised of rights                                       | <input checked="" type="checkbox"/> Open file policy applies   |
| <input type="checkbox"/> Court orders counsel appointed   | Discovery available: <u>already provided</u>   |
| <input type="checkbox"/> Defendant to reimburse at \$ _____ per month                                 | <input type="checkbox"/> Court discussed availability for incarcerated defendants                      |
| <input checked="" type="checkbox"/> Defendant advised of charges, penalties, and fines                | <input checked="" type="checkbox"/> Government to disclose grand jury materials one day prior to trial |
| <input checked="" type="checkbox"/> Copy of indictment received by defendant                          | <input checked="" type="checkbox"/> Case designated complex as of 8/23/17                              |
| <input checked="" type="checkbox"/> Indictment read <input type="checkbox"/> defendant waives reading | <input type="checkbox"/> Scheduling conference:  |
| <input checked="" type="checkbox"/> Not guilty plea entered by:                                       | before Magistrate Judge <u>Nancy Joseph</u>  |
| <input checked="" type="checkbox"/> defendant <input type="checkbox"/> the court                      |  |

COURT has received a signed Rule 10 waiver of appearance and authorization to enter plea. Defendant confirms he signed the form. Court accepts waiver.

Maximum Penalties:

**Counts 1-6, 9:** 5 years imprisonment, \$250,000 fine, 1 year supervised release, \$100 special assessment per count

**Counts 7 & 8:** 10 years imprisonment, \$250,000 fine, up to 3 years supervised release, \$100 SA per count

**Count 10:** 20 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

Possible immigration consequences if convicted of Counts 9 & 10.

GOVT notes Counts 3, 8, 9, and 10 are new counts. Count 1 add new objects of conspiracy (subsections b and c) along with new overt acts. Counts 2-5 from the original indictment are the same, but are now Counts 2, 4, 5, & 6. Count 6 from the original indictment is now Count 7.

COURT has several motions pending; inquires as to their status and the filing of the superseding indictment.

DEFENSE thinks the suppression motion is not impacted, but the others will need to possibly be withdrawn and re-filed. Suggests discussing a schedule with government and proposing a schedule to the court.

GOVT notes all of the underlying motions would still apply to the some counts since they have just been renumbered. Proposes allowing for motions on the new counts versus redrafting motions for counts that have not changed. Motions for Counts 3, 8, 9, & 10 only.

COURT notes the superseding indictment does not reopen a motion schedule for motions that could have previously been filed, but can for new motions that are triggered by the new/changed charges. New motions addressing the new charges – Counts 3, 8, 9, 10 and changes made to Count 1.

DEFENSE notes the changes to Count 1 relates to several of their motions.

COURT orders the parties to submit a proposed schedule, along with flagging the motions (by name and docket number) that will be impacted by the new schedule, no later than **June 20, 2018**.

GOVT agrees the motion to suppress is no affected at all by the superseding indictment. Motion #58 challenges Counts 2 and 6. The issue related to Count 2 has been addressed by the superseding indictment, so a portion of that motion is moot.

DEFENSE inquires as to additional superseding indictments.

GOVT does not anticipate it at this time; there is nothing they are sitting on. If other information comes up, the govt reserves the right to present it to the grand jury.